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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,591	03/23/2001	Victor Spivak	DOCM-002/01US	5572

23419	7590	03/01/2005

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EXAMINER
BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/815,591	SPIVAK ET AL.
	Examiner	Art Unit
	Adam L Basehoar	2178

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 September 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: The Amendment filed 09/20/04 to the

original Application filed on 03/23/01, which claims priority to a provisional application.

2.   The rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Smadja

(US: 6,621,930 09/16/03) have been withdrawn as necessitated by Amendment.

3.   Claims 1-20 are pending in the case. Claims 1, 7, and 14 are independent claims.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Russell-Falla et al (US: 6,675,162 01/06/04) in view of Weiser et al (US-5,982,507 11/09/99).

-In regards to independent claims 1, 7, and 14, Russell-Falla teaches a computer-

implemented method comprising a processor (Abstract) and memory (Fig. 1: 30)

connected to said processor, wherein the method further comprises;

recognizing a concept (column 2, lines 54-63) that represents a basic idea (content

category)(column 2, lines 35-39; column 4, lines 32-47) in a document format (column 2,

lines 35-39; column 3, lines 17-20); and

incorporating said concept in a concept model (i.e. "pornographic", "commercial

solicitations", "racist", "good", "bad", etc)(column 3, lines 39-43 & 60-67; column 8,

lines 43-45).

Russell-Falla further teaches wherein the document format could be any number of

common document formats including an electronic email message, a word processing document,

hypertext document, and any number of other types of documents (columns 3 & 4, lines 23-26 &

51-53). Russell-Falla does not teach wherein the initial document format have to be converted to

one of the common document formats to be processed. Weiser et al teach converting a document

format (email message) from an email format to a common generic format (column 12, lines 53-

55). It would have been obvious to one of ordinary skill in the art at the time of the invention for

Russell-Falla to have converted its initial format document to one of the common document

formats listed above, because Weiser et teach by doing so the common format can be

understandable by the document system (column 12, lines 44-56)(i.e. converting document to a

format able to be processed by the a specific system provides the obvious advantage of being

able to process the document in that system).

-In regard to dependent claims 2 and 8, Russell-Falla teaches identifying a plurality of

features (column 4, lines 59-61: "identify the regular expressions") in said document format,

wherein said plurality of features represent evidence ("useful in discriminating a specific

category of information")(column 4, lines 61-66) of said concept in said format.

-In regard to dependent claims 3 and 9, Russell-Falla teach calculating a concept weight

for said concept ("calculating a rating of the page")(column 3, lines 54-57) using a plurality of

feature weights ("requires a weighting be provided for each word of phrase in the list")(column

3, lines 46-57) associated with said plurality of features ("regular expressions")(column 2, lines

55-59; column 8, lines 9-19) wherein said concept weight represents a recognition confidence

level for said concept (column 3, lines 54-57);

comparing said concept weight with a predetermined thresholds (column 2, lines 64-67;

column 3, lines 1-16).

-In regard to dependent claims 4, 11, 13, and 19, Russell-Falla teaches by referencing

said concept model (content category)(column 2, lines 35-39), generating an auto-

attribute/category (column 8, lines 39-51), said auto-attribute/category being a descriptive label

(i.e. "pornographic", "commercial solicitations", "racist", "good", "bad", etc)(column 3, lines

39-43 & 60-67; column 8, lines 43-45) for said format/category document.

-In regard to dependent claims 5, 12, 18, and 20, Russell-Falla teaches by referencing

said concept model (content category)(column 2, lines 35-39), assigning said document format to

a subject category/modeling directory (i.e. "pornographic", "commercial solicitations", "racist",

"good", "bad", etc)(column 3, lines 39-43 & 60-67; column 8, lines 43-45) in a categorization

taxonomy (column 4, lines 34-45) including a plurality of categories (i.e. "pornographic",

"commercial solicitations", "racist", "good", "bad", etc)(column 3, lines 39-43 & 60-67; column

8, lines 43-45).

-In regard to dependent claim 10, Russell-Falla teaches incorporating said recognition

confidence level (category threshold) (column 2, lines 64-67; column 3, lines 1-16) in said

conceptual model (content category)(column 2, lines 35-39) based on the training data (column

6, lines 52-67; column 7, lines 1-67).

-In regard to dependent claim 15, as shown above, Russell-Falla teaches wherein the

common document format was hypertext (HTML) web pages (column 1, lines 33-37)(Fig. 1: 12)

or other like information content (column 3, lines 17-22; column 6, lines 25-28; column 8, lines

20-61: "file directories", "email messages", "database records", "other web pages", etc).

Russell-Falla does not teach wherein the initial document format have to be converted to one of

the common document formats to be processed. Weiser et al teach converting a document

format (email message) from an email format to a common generic format (column 12, lines 53-

55). It would have been obvious to one of ordinary skill in the art at the time of the invention for

Russell-Falla to have converted its initial format document to one of the common document

formats listed above, because Weiser et teach by doing so the common format can be

understandable by the document system (column 12, lines 44-56)(i.e. converting document to a

format able to be processed by the a specific system provides the obvious advantage of being

able to process the document in that system).

-In regard to dependent claim 16, Russell-Falla teaches separating the text content from

said initial format document for categorizing documents based on statistical techniques (column

2, lines 52-59). As shown above in dependent claim 15, Russell-Falla does not teach converting

the initial document format into a common document format. Weiser et al teach converting a

document format (email message) from an email format to a common generic format (column

12, lines 53-55). It would have been obvious to one of ordinary skill in the art at the time of the

invention for Russell-Falla to have converted its initial format document to one of the common

document formats listed above, because Weiser et teach by doing so the common format can be

understandable by the document system (column 12, lines 44-56)(i.e. converting document to a

format able to be processed by the a specific system provides the obvious advantage of being

able to process the document in that system).

wherein it would have also been obvious to incorporate the text from the initial

document into the said common document, because Russell-Falla teaches the textual content was

what was needed to categorize the incoming documents (column 4, lines 57-66).

-In regard to dependent claim 17, Russell-Falla teaches identifying a plurality of features

(column 4, lines 59-61: "identify the regular expressions") in said document format, wherein said

plurality of features represent evidence ("useful in discriminating a specific category of

information")(column 4, lines 61-66) of said concept in said format. Russell-Falla further teaches

calculating a concept weight for said concept ("calculating a rating of the page")(column 3, lines

54-57) using a plurality of feature weights ("requires a weighting be provided for each word of

phrase in the list")(column 3, lines 46-57) associated with said plurality of features ("regular

expressions")(column 2, lines 55-59; column 8, lines 9-19), wherein said concept weight

represents a recognition confidence level for said concept (column 3, lines 54-57); and

comparing said concept weight with a predetermined thresholds (column 2, lines

64-67; column 3, lines 1-16).

6.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell-Falla et al

(US: 6,675,162 01/06/04) in view of Weiser et al (US-5,982,507 11/09/99) in further view of

W3C's, "Extensible Markup Language (XML) 1.0", 02/10/98, pp. 1-2,

http://www.w3.org/TR/1998/REC-xml-19980210.

       -In regard to dependent claim 6, Russell-Falla teach wherein a common document format

was hypertext (HTML) web pages (column 1, lines 33-37)(Fig. 1: 12) or other like information

content (column 3, lines 17-22; column 6, lines 25-28; column 8, lines 20-61: "file directories",

"email messages", "database records", "other web pages", etc). Russell-Falla does not

specifically teach wherein a common format was an XML document. W3C teaches wherein

using XML was notoriously well known in the art for web applications (pp. 2: Section 1.1). It

would have been obvious to one of ordinary skill in the art at the time of the invention, for one of

the common formats of Russell-Falla to have been XML, because W3C teaches that the XML

format provides the benefits of being easy to create, being easy to write programs which process

XML documents, and being human-legible and reasonably clear (pp. 2: Section 1.1). It was also

notoriously well known in the art at the time of the invention that XML was an International

document standard and well known for its separation of data content which was the main

embodiment of the Russell-Falla reference (column 4, lines 59-66; column 8, lines 20-38).

Response to Arguments

7.   Applicant's arguments, see Page 2, filed 09/20/04, with respect to the rejection(s)of

claim(s) 1-20 under 35 U.S.C. 103(a) as being unpatentable over Smadja (US: 6,621,930

09/16/03) have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view

of newly applied prior art references as discussed above in the rejection of the claims.

The Examiner notes that the present application does indeed receive benefit of the

accompanying provisional application as noted above and that the rejection under Smadja (US:

6,621,930 09/16/03) in the previous rejection was improper because Smadja did not qualify as

valid prior art.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

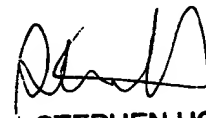|		
US-5,687,364	11-1997	Saund et al.
US-6,119,114	09-2000	Smadja, Frank
US-5,897,645	04/27/99	Watters

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

STEPHEN HONG
SUPERVISORY PATENT EXAMINER